

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Bernhard van Lengerich	<u>Certificate of Correction Branch</u>
Patent No.	:	7,201,923	Issued: April 10, 2007
Appln. No.	:	09/233,443	Filed: January 20, 1999
For	:	ENCAPSULATION OF SENSITIVE LIQUID COMPONENTS INTO A MATRIX TO OBTAIN DISCRETE SHELF-STABLE PARTICLES	

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Certificate of Correction Branch
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Please find attached a proposed Certificate of Correction.

Please correct the following errors appearing in the printed patent. The errors are apparently the fault of the inventors, as per the attached Certificate of Correction:

On Cover page 1, Related U.S. Application Data (60), third line, of the printed patent, after "Oct. 9, 1998" please insert --, provisional application no. 60/079,060, filed on March 23, 1998--.

At column 1, line 9, after "Nos." please insert --60/079,060 filed on March 23, 1998--.

Priority of Provisional Application No. 60/079,060 filed on March 23, 1998, along with the two other provisional applications (U.S. Provisional Application No. 60/109,696, filed on November 24, 1998, and U.S. Provisional Application No. 60/103,700, filed on October 9, 1998) was claimed in

U.S. Patent No. 7,201,923 - Bernhard van Lengerich

U.S. Application No. 09/233,443

Request for Certificate of Correction

Attorney Docket No. P34797

the executed Declaration filed via certificate of mailing April 2, 1999 (copy Attached as Attachment A), but not in the unexecuted Declaration filed with the application on January 20, 1999. Inclusion of provisional application no. 60/079,060, filed March 23, 1998 in the domestic priority, and in the Related Applications section of the specification pursuant to MPEP 1481.03 II(A) and 37 CFR 1.78(a)(3) and (4) (pre-November 29, 2000 version) is respectfully requested.

As indicated in MPEP 1481.03 II(A) for applications filed before November 29, 2000, as is the situation for the present application U.S. Application No. 09/233,443 (filed January 20, 1999):

1481.03 Correction of 35 U.S.C. 119 and 35 U.S.C. 120 Benefits

[R-7]

...

II. CORRECTION AS TO 35 U.S.C. 120 AND 35 U.S.C. 119(e)

BENEFITS

A. For Applications Filed ** > Before < November 29, 2000

For applications filed ** > before < November 29, 2000, it is the version of 37 CFR 1.78, which was in effect as of November 29, 2000, that applies. The pre-November 29, 2000 version reads as follows:

37 C.F.R. 1.78 Claiming benefit of earlier filing date and cross-references to other applications.

- (a) ...
-
- (3) A nonprovisional application other than for a design patent may claim an invention disclosed in one or more prior filed copending provisional applications. In order for a nonprovisional application to claim the benefit of one or more prior filed copending provisional applications, each prior provisional application must name as an inventor at least one inventor named in the later filed nonprovisional application

and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior provisional application must be entitled to a filing date as set forth in § 1.53(c), have any required English-language translation filed therein within the time period set forth in § 1.52(d), and have paid therein the basic filing fee set forth in § 1.16(k) within the time period set forth in § 1.53(g).

- - (4) Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number). Unless the reference required by this paragraph is included in an application data sheet (§ 1.76), the specification must contain or be amended to contain such reference in the first sentence following any title.

Under certain conditions specified below, a Certificate of Correction can be used, with respect to 35 U.S.C. 120 and 119(e) priority, to correct:

- (A) the failure to make reference to a prior copending application pursuant to 37 CFR 1.78(a)(2) and (a)(4); or
- (B) an incorrect reference to a prior copending application pursuant to 37 CFR 1.78(a)(2) and (a)(4).

For all situations other than where priority is based upon 35 U.S.C. 365(e), the conditions are as follows:

- (A) for 35 U.S.C. 120 priority, all requirements set forth in 37 CFR 1.78(a)(1) must have been met in the application which became the patent to be corrected;
- (B) for 35 U.S.C. 119(e) priority, all requirements set forth in 37 CFR 1.78(a)(3) must have been met in the application which became the patent to be corrected; and
- (C) it must be clear from the record of the patent and the parent application(s) that priority is appropriate. See MPEP § 201.11 for requirements under 35 U.S.C. 119(e) and 120.

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If all the above-stated conditions are satisfied, a Certificate of Correction can be used to amend the patent to make reference to a prior copending application, or to correct an incorrect reference to the prior copending application. Note *In re Schuurs*, 218 USPQ 443 (Comm'r Pat. 1983) which suggests that a Certificate of Correction is an appropriate remedy for correcting, in a patent, reference to a prior copending application. Also, note *In re Lambrech*, 202 USPQ 620 (Comm'r Pat. 1976), citing *In re Van Esdonk*, 187 USPQ 671 (Comm'r Pat. 1975).

The present application was filed before November 29, 2000, and for 35 U.S.C. 119(e) priority, all requirements set forth in 37 CFR 1.78(a)(3) have been met in the application which became the patent to be corrected. Moreover, it is clear from the record of the patent and the parent application(s) that priority is appropriate. Accordingly, it is respectfully requested that a Certificate of Correction issue in the above-identified patent as follows:

On Cover page 1, Related U.S. Application Data (60), third line, of the printed patent, after "Oct. 9, 1998" please insert --, provisional application no. 60/079,060, filed on March 23, 1998--.

At column 1, line 9, after "Nos." please insert --60/079,060 filed on March 23, 1998,--.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed number.

It is not believed that any fees are due. However, the U.S. Patent and Trademark Office is hereby authorized to charge any fees which may be deemed necessary or to credit any

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overpayments to Deposit Account No. 19-0089 (P34797).

Respectfully submitted,

Bernhard van Lengerich

/Barry I. Hollander/

Barry I. Hollander

Reg. No. 28,566

January 3, 2012

GREENBLUM & BERNSTEIN, P.L.C.

1950 Roland Clarke Place

Reston, VA 20191

(703) 716-1191

Enc. Attachment A: Executed Declaration filed via certificate of mailing April 2, 1999

Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,201,923

APPLICATION NO.: 09/233,443

ISSUE DATE : April 10, 2007

INVENTOR(S) : Bernhard H. van Lengerich

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On Cover page 1, Related U.S. Application Data (60), third line, of the printed patent, after "Oct. 9, 1998" please insert --, provisional application no. 60/079,060, filed on March 23, 1998--.

At column 1, line 9, after "Nos." please insert --60/079,060 filed on March 23, 1998--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

GREENBLUM & BERNSTEIN, P.L.C.

1950 Roland Clarke Place

Reston, VA 20191-1411

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Type a plus sign (+) inside this box →

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Patent &

TM Office

APR 05 1999

JCA 6

U.S. Department of Commerce
Patent and Trademark Office

DECLARATION

Declaration
Submitted
with Initial Filing

OR

Declaration
Submitted After
Initial Filing

Attorney Docket Number

BVL-105

First Named Inventor

van Lengerich

COMPLETE IF KNOWN

Application Number

09/233,443

Filing Date

01/20/99

Group Art Unit

1761

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ENCAPSULATION OF SENSITIVE LIQUID COMPONENTS INTO A MATRIX TO OBTAIN
DISCRETE SHELF-STABLE PARTICLES**

the specification of which

(Title of the Invention)

is attached hereto

OR

was filed on (MM/DD/YYYY)

01/20/99

as United States Application Number or PCT International Application

Number

09/233,443

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § .56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (e)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application
Number(s)

Country

Foreign Filing Date
(MM/DD/YYYY)

Priority Not Claimed

Copy Attached?
YES NO

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

Application Number(s)

Filing Date (MM/DD/YYYY)

60/079,060
60/103,700
60/109,696

03/23/98
10/9/98
11/24/98

Additional provisional
application numbers are
listed on a supplemental priority
sheet attached hereto.

ATTACHMENT A

DECLARATION



Page 2

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application describing the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided in the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 35, United States Code of Federal Regulations 1.56 which became available between the filing date of the prior application and the national or PCT filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

Additional U.S. or PCT International application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Firm Name	Payor Number (if applicable)
General Mills, Inc.	
Name	Registration Number
Douglas J. Taylor	32,945
John A. O'Toole	28,336
Barry I. Hollander	28,566
Virgil H. Marsh	23,083
Kara M. Armstrong	38,234
Inira S. Zemel	43,402

Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.

<input type="checkbox"/> Please direct all correspondence to:	Name	Douglas J. Taylor	
Address	General Mills, Inc.		
Address	P. O. Box 1113		
City	Minneapolis	State	MN
Country	USA	Telephone	(612) 540-4402
		Zip	55440
		Fax	(612) 540-2268

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:				<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name	Bernhard	Middle Initial	H.	Family Name	van Lengerich	Suffix
Inventor's Signature	<i>Bernhard van Lengerich</i>					Date
Residence: City	Plymouth	State	MN	Country	3/17/99	
Post Office Address:	18005 33rd Place N.					
City	Plymouth	State	MN	Zip	55447	Country
				Applicant Authority		

Additional inventors are being named on supplemental sheet(s) attached hereto